



COPYRIGHT CLAIMS BOARD

Docket number: 22-CCB-
0019

United States Copyright Claims Board

Palmer

CLAIMANT

v.

Columbia Records

RESPONDENT

ORDER TO AMEND NONCOMPLIANT CLAIM

Dear Cory D Palmer:

The Copyright Claims Board finds that your claim does not comply with the requirements of Chapter 1500 of the copyright law and related regulations. The claim cannot move forward unless it is amended.

You may file an amended claim by 08/15/2022. If you do not, the Board must dismiss your claim without prejudice, although you may file again in the future. If you file an amended claim and it is found compliant, you will be notified and directed to proceed with service. There is no extra filing fee for an amended claim. 17 U.S.C. § 1506(f)(1)(B).

To make your amended claim compliant, you must resolve the issues identified below. 37 C.F.R. § 224.1(c)(2). You may also choose to correct or edit any errors or other information in your claim before you file it again.

Issue – Copyright Infringement Claim – Element of Access

You have brought a copyright infringement claim before the Board. Your claim must make enough factual allegations to support each “element” of the claim. The elements of a copyright infringement claim are:

1. You own a valid copyright in the work, or have been given an exclusive license over the copyright rights at issue in the work,
2. The respondent used one of your exclusive rights in the work without permission,
3. The respondent had access to your work, and
4. The respondent’s work is substantially similar to the original elements of expression in your work.

Your claim does not provide facts about how the respondent had “access” to your work. “Access” means a reasonable opportunity to view or hear your work. Please provide more details and background regarding this element in your amended claim.

To address this issue, you must file an amended claim with allegations that make access a reasonable possibility, not just hypothetically or theoretically possible. Acceptable allegations of access may include that your work was sent directly to the respondent or a close associate of the respondent; the ways that it was widely disseminated or made available to the public or respondent; or that it is so strikingly similar to the respondent’s work that the respondent could not have created it independently.

The “Description of harm suffered and relief sought” section of your claim form includes an allegation of the respondent “stealing my intellectual property from my iphone.” When you submit an amended claim, if you keep that allegation, you must explain it more fully by stating reasonably possible facts about how you believe this occurred, including how the respondent got access to your cell phone.

Issue – Copyright Infringement Claim – Clarity

Your claim does not make clear enough factual allegations about the wrongful activities that you accuse the respondent of doing. A claim can be unclear if it does not include enough detail. A claim can also be unclear if the claimant selects options in the eCCB claim form that the rest of the claim does not support. Think carefully about which options in the claim form actually apply in your case.

Your claim alleges copyright infringement of a work registered as a sound recording. You selected all six of the “Wrongful Activities” listed in the dropdown menu on the claim form, including “Publicly display the work.” That right does not apply to sound recordings. 17 U.S.C. § 106(5). Please review the discussion at page 3 of the chapter on [Starting an Infringement Claim](#) in the CCB handbook and confirm which of those six wrongful activities the respondent engaged in to infringe your copyright. When you file an amended claim, select only the wrongful activities that apply for this respondent. You will need to add detailed factual allegations about each wrongful activity that you allege in the “Describe the Infringement” field of the claim form. The claim must provide enough information for the respondent to understand what their allegedly infringing acts were.

Issue – Supplemental Documentation

It is not clear how the supplemental documents uploaded with your claim support or relate to your claim. When you submit an amended claim, please include only documents that pertain or relate to the claim, and provide an explanation of their relevance in the “Describe the infringement” section if the relevance is not clear.

You do not need to provide a legal argument in your claim – just a statement of facts and circumstances. Being specific in your description gives the other party and the Board more information about your claim. There is no character limit so please be as detailed as possible.

To submit an amended claim, log into your eCCB account and take the following steps.

1. From your dashboard, click the “**Amend claim**” button and select your docket number from the dropdown list.
2. Your claim will unlock for editing. The information you originally entered will appear in the same order as in your original claim.
3. To edit the “**Wrongful activities**” information, click the blue bar to show the fields. To add or change factual information about your claim, add your text to the “**Describe the infringement**” section.
4. Once you have completed your edits, continue to click through the claim flow until you reach the “**Review**” page. The Review page includes all the information that you have provided in the claim up to this point. Carefully double-check the information on this page. If you have any corrections, you can select “**Edit**” to revise any entries necessary. Each section of information has an “**Edit**” button, which will take you back to that section so you can make changes. After you make changes, you can click “**Save & review**” to return to the Review page. Please review your claim carefully. Once you submit your amended claim you will be unable to edit the claim while it is in compliance review.
5. Once you have completed your review and any revisions, you must confirm that the information in your claim is accurate and truthful to the best of your knowledge. To complete the declaration, type your full name into the “**Digital signature**” box near the bottom of the “**Review filing**” page and click “**Agree & submit.**”

If you have questions, please contact asktheboard@ccb.gov. Include your docket number in the subject line. The CCB is unable to provide legal advice. We can only provide legal information and assistance concerning CCB procedures and requirements. You may also refer to the [Compliance Review](#) chapter of the Copyright Claims Board Handbook for more assistance.

Sincerely,

Copyright Claims Attorney